

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6428

BILL NUMBER: HB 1067

NOTE PREPARED: Dec 19, 2005

BILL AMENDED:

SUBJECT: Birth and Death Records.

FIRST AUTHOR: Rep. Cherry

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill adopts privacy standards for disclosure of information contained in vital records, reports, and statistics. The bill requires the State Department of Health to adopt rules for inspections of vital records, reports, and statistics for genealogical studies. It allows the news media to inspect and copy vital records, reports, and statistics. It also makes conforming changes.

Effective Date: July 1, 2006.

Explanation of State Expenditures: The State Department of Health must adopt rules to specify who may inspect information contained in vital records or vital reports. The bill requires the Department to adopt rules to provide for information to be released for persons conducting genealogical studies. The bill also provides that the vital records, vital reports, and vital statistics information of a local health officer must be made available for inspection and copying to representatives of the news media. It is assumed that the Department can adopt rules with current staff and resources.

The bill would standardize in statute, the individuals eligible to receive certified copies of birth or death certificates from the State Department of Health and the local health departments. Currently, the determination of who has a direct interest in obtaining a certified vital record is a policy established independently by the Department of Health and by the individual local health departments. Additionally, the bill limits the availability for inspection of the vital records to members of the media unless the records are older than 50 years for death records and 75 years for birth and other records.

Background Information: Certified copies of vital records from the state are restricted to certain individuals

currently by policy. Eligibility to receive copies differ for birth and death certificates. The current statute permits the State Registrar to limit inspection of the records to persons that would otherwise be eligible to receive a certified copy or has a legitimate interest in the information. Local registrars are currently required to allow public inspection of the records with the exception of the birth records of adopted children.

State Issuance of Birth Certificate: The following individuals are currently eligible to receive a certified copy of a birth certificate from the Department: individual named on the certificate; mother of the individual; father (if named, married to mother or paternity established); grandparents (if parents of the individual were married at the time of birth); legal guardian; brothers or sisters (if both parties are over 21 years of age); aunt or uncle (if parents of the individual were married at the time of birth); spouse of the individual; and son, daughter, or grandchild (21 years of age).

State Issuance of Death Certificate: The following individuals are currently eligible to receive a certified copy of a death certificate from the Department: parents, spouse or life partner, adult children, grandparents, siblings, aunts or uncles, direct descendants (grandchildren, great-grandchildren, etc.), children of aunts or uncles, other family members (cousins) - unless the record is 50 years old or older, distant relatives may only receive a copy with the approval of the State Registrar.

Local Issuance of Certificates: Under current law a local health officer shall provide a certification of birth, death, or stillbirth registration upon request by any person only if the health office is satisfied that the applicant has a direct interest in the matter; the health office determines that the certificate is necessary for the determination of personal or property rights or for compliance with state or federal law; and the applicant for a birth certificate presents at least one form of identification. Local offices make independent determinations with regard to who may receive a certified copy of a vital record and the necessary identification. The decision whether to issue or not to issue a certified copy of a birth certificate is subject to court review. In addition, the officer may not issue a copy of a birth certificate of a missing child without approval. Individuals that do not meet the criteria for certified copies of certificates may receive non-certified copies of vital records from local offices.

Explanation of State Revenues:

Explanation of Local Expenditures: This bill allows members of the news media to inspect and copy vital records, vital reports, and vital statistics from local registrars. Members of local news media currently have access to these records; thus this provision should not result in any increase in local expenditures.

Explanation of Local Revenues: The bill may reduce the fee revenue for searches for vital records and copies issued that is charged by local health departments. This bill implements uniform statewide standards for issuance of birth and death certificates. Under current law, county health departments may have different standards from the State Department of Health. The current statutory standards for county offices are less restrictive and allow more individuals to receive copies of birth and death certificates than requirements for the State Department. This bill applies stricter requirements for county health department inspection of the vital records and for the issuance of birth and death certificates. Due to the changes provided in this bill, county offices may issue fewer certificates and as a result collect less revenue from fees. Current county fees for birth and death certificates range from \$2 to \$13, depending upon the county. The number of certificates issued annually is unknown. Any reduction in certificates that might otherwise be issued is unknown.

State Agencies Affected: Indiana State Department of Health.

Local Agencies Affected: Local departments of health.

Information Sources: State Department of Health website at:
<http://www.in.gov/isdh/bdcertifs/lhdfees/toc.htm>.

Fiscal Analyst: Kathy Norris, 317-234-1360.